

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

E. J. CROWELL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,

Defendant.

Case No. C07-5575FDB-KLS

REPORT AND  
RECOMMENDATION TO DENY  
APPLICATION TO PROCEED  
*IN FORMA PAUPERIS*

Noted for December 14, 2007

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a complaint to review and set aside a decision of the Social Security Administration under 42 U.S.C. § 405(g). Because plaintiff's application indicates he has sufficient income with which to pay the \$350.00 filing fee, the undersigned recommends that the Court deny the application.

DISCUSSION

The district Court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the Court has broad discretion in denying an application to proceed *in forma pauperis*. Weller v. Dickson, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963).

1 By requesting the Court to proceed *in forma pauperis*, plaintiff is asking the government to incur  
2 the filing fee because he allegedly is unable to afford the costs necessary to proceed with his cause of  
3 action. Plaintiff states in his application that he receives \$2,705.00 per month in benefits from the United  
4 States Department of Veterans Affairs. This amounts to \$32,460.00 in benefits received annually. While  
5 the undersigned recognizes that this does not constitute an extremely high income, it certainly is a higher  
6 amount than many jobs pay. Further, given that there are no other persons who are dependant on him for  
7 support, it does not seem unreasonable to expect plaintiff to pay the required filing fee.

8 CONCLUSION

9 Because it is reasonable for plaintiff to incur the costs to proceed with this cause of action, the  
10 undersigned recommends that the Court deny his application to proceed *in forma pauperis*. Accordingly,  
11 the undersigned also recommends that the Court order plaintiff to pay the required filing fee **within thirty**  
12 **(30) days** of the Court's order.

13 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedures, the  
14 parties shall have ten (10) days from service of this Report and Recommendation to file written objections  
15 thereto. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those objections for  
16 purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by  
17 Rule 72(b), the clerk is directed set this matter for consideration on **December 14, 2007**, as noted in the  
18 caption.

19 Dated this 21st day of November, 2007.

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22 Karen L. Strombom  
23 United States Magistrate Judge  
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